

**PATENT**

Serial No. 10/037,630; Filing Date: January 3, 2002

Examiner Paul D. Marcantoni, Art Unit 1755

Attorney Docket No. 72425.0105

**III      Remarks**

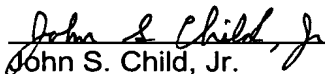
The amendment to claim 1 indicates that the resistance to rutting of the load-bearing structure applies to load-bearing structures formed from asphaltic second mixtures. Support for the amendment to claim 1 is set forth in the referenced application at page 24, line 16, through page 27, line 6, in particular, at page 27, lines 3–6. Support for the amendment to claim 1 is also provided by United States Patent Application No. 60/311,439 filed August 10, 2001, the parent to the present application, at page 20, line 14, to page 21, line 4.

**IV      Conclusion**

It is believed that the above constitutes a complete response under 37 C.F.R. § 1.111 and that all bases of rejection in the Examiner's Action have been adequately rebutted or overcome. A Notice of Allowance in the next Office Action is, therefore, respectfully requested. The Examiner is requested to telephone the undersigned attorney if any matter that can be expected to be resolved in a telephone interview is believed to impede the allowance of pending claims 1–20 of United States Patent Application Serial No. 10/037,630.

Respectfully submitted,

Date: December 10, 2004

  
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